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Attorneys for Plaintiff  
APPLIED MATERIALS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

APPLIED MATERIALS, INC.,

CASE NO. 5:20-cv-05676-EJD

Plaintiff,

**DECLARATION OF PHILIP OU IN  
SUPPORT OF APPLIED MATERIALS,  
INC.'S ADMINISTRATIVE MOTION  
TO CONSIDER WHETHER CASES  
SHOULD BE RELATED**

VS.

DEMARAY LLC,

**Defendant.**

1 I, Philip Ou, hereby declare as follows:

2       1. I am a partner with the law firm Paul Hastings LLP, counsel for the Plaintiff Applied  
3 Materials, Inc. (“Applied”). I have personal knowledge of the facts contained in the declaration  
4 and, if called upon to do so, I could and would testify competently to the matters set forth herein.

5       2. On December 24, 2020, I informed counsel for Demaray LLC (“Demaray”) that Applied  
6 would be filing a new complaint for declaratory judgment of non-infringement based on the  
7 present-day, substantial controversies between Applied and Demaray. In response, counsel for  
8 Demaray stated that “[t]o the extent that Applied is allowed to file a new case in the Northern  
9 District of California, we agree that it should be assigned to Judge Davila.” The same day,  
10 Applied filed its new complaint, assigned case number *Applied Material, Inc. v. Demaray LLC*,  
11 No. 3:20-cv-09341 (N.D. Cal.).

12       3. On December 28, 2020, counsel for Applied twice asked counsel for Demaray to confirm  
13 its agreement that *Applied Material, Inc. v. Demaray LLC*, No. 5:20-cv-05676-EJD (N.D. Cal.),  
14 and *Applied Material, Inc. v. Demaray LLC*, No. 3:20-cv-09341 (N.D. Cal.) should be considered  
15 “related cases” under Local Rule 3-12. Counsel for Demaray did not respond to either  
16 correspondence, despite the same counsel exchanging multiple other communications regarding  
17 other matters.

18 I declare under penalty of perjury that the foregoing is true and correct.  
19

20  
21 DATED: December 28, 2020

22  
23 By: /s/ Philip Ou

24  
25 Philip Ou